



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
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**Board of Health Meeting Minutes
Wednesday, October 24, 2018
BOH Conference Room – Mural Room
Arlington Senior Center
5:30 pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg
Board Members Absent: Dr. Kevin Fallon

Staff in Attendance: Natasha Waden, Director of Public Health; Padraig Martin, Health Compliance Officer, Kylee Sullivan, Health Compliance Officer; Jessica Kerr, Public Health Nurse; Nina Shields, Public Health Associate

Others in Attendance: Ben Tesser, Jillian Curran

Recording Secretary: Laura Munsey, Health & Human Services Office Manager

Meeting called to order by Dr. Marie Walsh Condon at 5:32 pm.

Accept September 12 , 2018 Meeting Minutes

A **Motion** was made by Mr. Kenneth Kohlberg which was seconded by Dr. Marie Walsh Condon to accept the September 12, 2018 meeting minutes as submitted.

Vote:2-0 in favor of the motion (Unanimous)

Discussion: Novus Agenda – Adam Kurowski

Director Waden introduced Mr. Adam Kurowski, who is the Town of Arlington Geographic Information Systems (GIS) Director and Systems Analyst, to the Board to present the benefits of Novus Agenda, an online agenda management system. He informed the Board that Novus Agenda is currently used by the Select Board, School Committee, Arlington Redevelopment Board, as well as Town Meeting, and he is excited to include the Board of Health in the utilization of Novus Agenda. He reported Novus Agenda will streamline the process, allow better access to the system, provide word searchable user options, as well as provide date stamped documents. The use of Novus Agenda will simplify the process, and reduce paper use, but allows access to print documents for those that prefer a print method. Mr. Kurowski stated he is available to provide training for the Board and has been working with Director Waden and Inspector Martin so they may learn the back-end of the system. Director Waden anticipates implementation in February of 2019, and will invite Mr. Kurowski back at that time to review the process and answer any questions the Board may have.

HEARING: Appointment of Cindy Sheridan Curran to Agent of the BOH

Director Waden informed the Board she would like consideration to the appointment of Cindy Sheridan Curran as a Board of Health Agent for the issuance of tickets and fines for smoking and vaping violations in schools. Ms. Curran is currently the Court Liaison/Attendance Officer/Diversion Coordinator for the Arlington Public Schools, and works closely with the Arlington Police Department, the Health Department, and the Arlington Youth Health and Safety Coalition. Ms. Curran is regularly involved with the Town's restorative justice program.

Whereas Ms. Curran is already working within the schools, and has an established relationship with the students at both the Middle and High School, Director Waden believes it is appropriate to have her as a Health Agent available to issue smoking and vaping violations and fines in an expedited manner, and to work with families and the school, regarding these violations. Director Waden requested this appointment in order to streamline the process of issuing tickets, following up with parents, confirming payment of any fines, and pursuing court complaints when necessary.

Mr. Kohlberg informed the Board that he is a friend of Ms. Curran and therefore would need to abstain from a vote regarding this matter.

The Hearing has been Tabled until the next Board of Health Meeting (scheduled for December 5, 2018).

Discussion: Board of Health Meeting Schedule

Additional Meeting in November 2018

Director Waden asked the Board to schedule an additional Board of Health Meeting in November to finalize the **Regulation to Ensure the Sanitary and Safe Operation of Adult-Use Marijuana Establishments and the Sale of Adult-Use Marijuana**. After discussion, it was recommended and approved to schedule a Board of Health Meeting on Wednesday, November 14, 2018 at 5:30 pm at the Arlington Senior Center, Ground Floor Conference Room, 27 Maple Street.

Draft 2019 Proposed Meeting Schedule

Director Waden proposed the following 2019 Meeting Schedule:

- February 6, 2019
- April 10, 2019
- May 22, 2019
- June 19, 2019
- September 11, 2019
- October 23, 2019
- December 4, 2019

All meetings will begin at 5:30 pm and will be held at the Arlington Senior Center Ground Floor Conference Room, 27 Maple Street.

Discussion: Regulation to Ensure the Sanitary and Safe Operation of Adult-Use Marijuana Establishments and the Sale of Adult-Use Marijuana

As background, Inspector Martin addressed the Board and stated In 2016 voters approved a ballot initiative to legalize the recreational use of marijuana. The Cannabis Control Commission was established and has since been appointed by the state to regulate and license retail establishments selling marijuana for recreational use. In 2018 the Cannabis Control Commission released 935 CMR 500 Adult Use of Marijuana Regulations and began accepting applications.

Inspector Martin provided the Board with copies of the Arlington Board of Health draft regulations to ensure the sanitary and safe operation of adult-use marijuana establishments and the sale of adult-use marijuana. He informed the Board that these draft regulations were compiled from the model regulations drafted by Cheryl Sbarra, Director of Policy and Law for the Massachusetts Association of Health Boards, along with components from the Arlington Board of Health Medical Marijuana Establishment Regulations. Town Counsel, Doug Heim, has reviewed the draft regulations, made recommendations, and is working with Director Waden and Inspector Martin to fine tune the regulations. Mr. Kohlberg inquired if any other Communities have established and adopted their own regulations, or if Arlington is the first community to do so. It was reported Belmont has also adopted their own regulations, and other communities are in the process of establishing regulations. Director Waden informed the Board that the Moratorium ends December 31, 2018, and therefore it is important to have regulations in place prior to that date. She reported there is a Special Town Meeting scheduled for December 5, 2018 to vote on issues related to this matter.

The Board requested clarification on the following items:

Section D Marijuana Operating Permit:

Item 1-b (page 5).

A marijuana delivery-only establishment, if authorized and licensed under state regulations shall not be required to have a permanent non-mobile location, but shall have an in-state permanent business office address and contact information available. Upon request, the establishment must share information about the current location and destination of its employees with the Arlington Board of Health.

Dr. Walsh Condon inquired if establishments can be delivery only, and if any/all establishments can deliver. Padraig Martin will obtain and provide clarification to the Board.

Item 10 (page 6)

No Person under the minimum legal sales age shall be permitted to enter an establishment with a Marijuana Operating Permit, except, if the establishment is co-located with a medical marijuana treatment center as defined in 935 CMR 500.002. Those individuals in possession of a registration card demonstrating that he or she is a registered qualifying patient with the Medical Use of Marijuana Program, (105 CMR 725.000 Implementation of the Act for the Humanitarian Medical Use of Marijuana) may enter.

Dr Walsh Condon inquired if the Board of Health can separate co-location within an establishment.

Director Waden informed the Board she will consult with Town Counsel, and provide additional information at the November meeting.

Item 11 (page 6)

Mr. Kohlberg noticed a typographical error in the draft regulations and requested line 4 “the permits” be replaced with “that permits”.

Item 12 (page 6)

The Board inquired about why the Buffer Zone and Zoning issues had been stricken from the draft regulations.

Director Waden informed the Board that zoning of marijuana establishments falls under the jurisdiction of the Arlington Redevelopment Board (ARB), and has submitted a Warrant Article that will be presented to and voted on at the Special Town Meeting scheduled for December 5, 2018. Waden stated that she would share the final draft of the warrant article with the Board when it is finalized for Town Meeting by the ARB.

Item 20 (page 7)

No applicant is permitted to hold a common victualler license or food service permit issued by the Board of Health for on-premises food consumption.

Director Waden informed the Board she spoke with Town Counsel who suggested different wording which will be incorporated in the next set of draft regulations.

Item 29 (page 8)

The Board inquired about Operating Hours.

Inspector Martin informed the Board that hours may need to be adjusted and will most likely be similar to alcohol establishment allowable times of operation. Additional information will follow.

Marie Walsh Condon inquired if Cheryl Sbarra, could review our regulations prior to adopting, to make sure everything appears in line, so nothing is inconsistent. She also asked if Cheryl Sbarra and/or Doug Heim could attend the November meeting, to answer any questions the Board may have.

Updates: Environmental Health

Rock Removal Regulations

Inspector Sullivan informed the Board that she is in the process of drafting Rock Removal Regulations, and is researching local communities, as well as New York Regulations, which has an abundance of regulations pertaining to nuisance, noise, and dust.

Keeping of Hens updated – 73 Thorndike

Inspector Sullivan informed the Board that the Homeowner of 73 Thorndike Street, Ms. Maria Peralta, who came before the Board on May 23, 2018 has successfully completed a course at Waltham Fields Community Farms, and will begin construction on her Coop in the Spring.

Updates: Restaurants

2013 Food Code

Massachusetts DPH has adopted the 2013 Food Code. Inspector training will begin on the October 15th and establishment training will begin in November.

Openings

- Luigi's Italian Kitchen has opened at 242 Massachusetts Avenue

Closings

- Youth Villages at Germain Lawrence School has closed

Plan Reviews

- Yassou
- Bubble Nation
- Butternut Bake House – was Residential, and is expanding to become a Commercial Establishment
- Adventure Pub
- Yu Sushi
- Tesse Products, LLC (New Establishment into the Local Fare)

Updates: Public Health Nurse

Public Health Nurse, Jessica Kerr informed the Board that this month, Flu Clinics have been completed at all 7 Elementary Schools, as well as at Gibbs (town-wide 6th Grade). She reported that there will be two clinics at the Ottoson Middle School, one for students during the day and an evening family clinic on Thursday, October 25th, and Arlington High School will hold a flu clinic for students and teachers in November.

Ms. Kerr appreciated the help of all who assisted with flu clinics, including the MRC/Volunteer Nurses, Administrative Staff, and Public Health Associate Nina Shields. She also thank Captain Al Sharp of the Arlington Fire Department, who not only assisted at the school clinics, but also helped vaccinate the Arlington Fire Fighters. She also informed the Board and thanked Sue Franchi, School Nurse Supervisor, who offered to vaccinate the School Administration Staff, and also helped out at multiple flu clinics.

Public Comment

Ben Tesser and Jillian Curran, UMass Boston Students, introduced themselves to the Board and asked the Board for their Names, Titles, and years of service to the Board of Health. They stated they they attended tonights meeting as part of a school project. Public Health Nurse, Jessica Kerr provided her contact information, if they had any additional questions.

Meeting Adjourned at 6:27 pm